



# TOWN OF MEDFIELD

Office of the

## BOARD OF APPEALS

TOWN HOUSE, 459 MAIN STREET  
MEDFIELD, MASSACHUSETTS 02052-2009

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MEETING OF:  
**September 9, 2020**  
MINUTES

**Members Present:** John J. McNicholas, Chairman; William McNiff, Member; Michael W. Whitcher, Member

**Members Absent:** Charles H. Peck, Associate Member; Jared Gustafson, Associate Member; Jared Spinelli, Associate Member

**Staff Present:** Sarah Raposa, Town Planner; Marion Bonoldi, Recording Clerk

**Others Present:** Frank Marino, John Chapple, Courtney Cannon, Bill Southwick, Edward Cannon, Ilya Cobi, Vlad Cobi, Neal O'Connor, Ryan Oremus, Kate Boxmeyer, Kristin Hudson, Cari O'Keeffe, Jim B, Katie, David Boxmeyer

**Location:** Virtual Zoom Webinar

At approximately 7:03 pm, Chairman Jack McNicholas called the meeting to order and announced the meeting is being recorded. Chairman McNicholas introduced William McNiff and Michael Whitcher. Chair McNicholas read:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Medfield Zoning Board of Appeals is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to listen to or view this meeting while in progress may do so by following the instructions on the agenda and meeting notice. The meeting is being recorded.*

Chair McNicholas explained the procedures and processes of the meeting.

**- Heather Southwick (applicant/owner) seeks a special permit under MGL Chpt. 40A §9 and/or Medfield Zoning Bylaw §300-9.1.C.2. 3 and the Table of Area Regulations referenced in §300-6.2 of the Zoning Bylaw that the proposed work consisting of the restoration of an original side porch will not be substantially more detrimental to the neighborhood than the existing nonconforming nature; and/or a variance from Chapter 300 Attachment 2. The property is located at 101 Main Street; Assessors' Map 60 Lot 012; RT Zoning District with Primary Aquifer Overlay.**

Mr. Michael Whitcher read the notice into record.

Mr. Neal O'Connor, contractor for the Southwick family said the Southwick's are the 3<sup>rd</sup> owner of the property. The Southwick's purchased the property 11 years ago. Mr. O'Connor said the original house dates back to 1750. Mr. O'Connor said the Southwick's have done a lot of renovation at the property. Mr. O'Connor said there is an "awkward porch" on the driveway side of the home and it is estimated to be dated to the 1940's. Mr. O'Connor shared photos of the property for the Board and audience to reference. After the owner's researched the property, photos of the home with a side porch were found. Mr. O'Connor said the owners are looking to replicate the original porch. Mr. O'Connor said the he, and the owners feel that it is logical to replicate the porch and to correct the oddities of the present structure. Mr. O'Connor said the home will look more appropriate to the time period of the original construction.

Chair McNicholas asked for the height of the proposed porch. Mr. O'Connor said the height will match what is there now; under 4 feet. Mr. Whitcher asked if the new roof line will extended out the front of the house. Mr. O'Connor said no; not beyond the front corner of the house. Mr. Whitcher asked if gutters will be installed. Mr. O'Connor said yes; fiberglass gutters. Mr. Whitcher asked if the water will discharge into the ground. Mr. O'Connor said there is an existing drainage system that will used. Mr. Whitcher asked if the decking of the porch will extend beyond the structure of the home Mr. O'Connor said no. Mr. Whitcher asked for the location of the stairs for the proposed porch. Mr. O'Connor said the stairs will come off of the side of the porch towards the driveway and they are one granite step. Mr. O'Connor said the owners hope to have bushes at the end of the deck on the street side for privacy. Mr. Whitcher said he believe the proposed porch is a great improvement and a good solution in a very visible spot. Mr. McNiff said he had no questions. Mr. McNiff drove by the property and feels the design is a great improvement and likes the effort to get the home looking as original as possible.

The Board doesn't believe a site visit is necessary. Mr. Whitcher made a motion close the hearing at approximately 7:30 pm. Seconded by Mr. McNiff. Roll Call Vote: WM=yes; MW=yes, JM=yes. The Vote: 3-0.

**- John Chapple (applicant/owner) seeks a special permit under MGL Chpt 40A §9 and/or Medfield Zoning Bylaw §300-14.10.H. (2)(d) to allow a Home Occupation (Pilates studio). The property is located at 1 The Paddock Lane in the RT Zoning District with Primary Aquifer Protection Overlay and is shown on Assessors' map 64 as lot 060.**

Mr. William McNiff read the notice into record.

Mr. Chapple has been in the fitness industry for 15 years. Mr. Chapple said COVID-19 has set his career back significantly. Mr. Chapple said his clients are not willing to go to commercial buildings; however his clients would like to continue working with him. Mr. Chapple would like to move his business to the safe and controlled space of his home. Mr. Chapple said the exterior of the home will not be changed, there will be one client at a time, and no additional parking will be needed. Mr. Chapple said the current 2-car garage will be split; one bay will be used for a garage and the other will be made into the fitness area. The current breezeway would create an entry. The existing storage area of the home would be made into a bathroom/changing area. There would be no interaction between clients; the area will be safe and control.

Chair McNicholas asked if the business use will exceed more than 500 square feet. Mr. Chapple was unsure and said he will find out and report back to Ms. Sarah Raposa, Town Planner. Chair McNicholas said the measurements would be needed to grant approval. Mr. Witcher asked for the hours of operation and how many clients per day. Mr. Chapple said mostly Monday through Friday between 8:00 am and 8:00 pm. Mr. Chapple said there would be approximately 5 to 6 clients a day; approximately 30 hours per week. Mr. Witcher asked if the clients would park in the street. Mr. Chapple said no; parking in the driveway only. Mr. McNiff asked about potential noise. Mr. Chapple said there is no music involved and no microphones. Mr. Witcher asked if the Board of Health has any oversight. Mr. Chapple does not believe so. Mr. Chapple said CDC guidelines need to be followed. Mr. Witcher asked about additional lighting. Mr. Chapple said no lighting or signage will be added. Chair McNicholas asked if there are any other employees. Mr. Chapple said no; if the business boomed and employees were needed, a new commercial space would be sought. Chair McNicholas asked if Mr. Chapple spoke to his neighbors. Mr. Chapple said he spoke to as many as possible and is aware of no opposition. Mr. Vlad Cosma, 5 The Paddock Lane, typed his questions to the Board due to technical difficulties. Mr. Cosma asked if there will be “no noise or no significant noise”. Mr. Chapple said the only noise will be Mr. Chapple speaking to his clients and clients entering the site. Mr. Cosma asked if the garage doors will look the same as they do now on the outside. Mr. Chapple said yes; no exterior changes will be made to the home. Mr. Cosma asked if any training of clients will take place outside. Mr. Chapple said no; it is important to have a climate controlled environment and the equipment needs to be used. Mr. Chapple said he loves his neighborhood and would never do anything that would have an adverse effect on the neighborhood.

The Board doesn't feel a site visit is necessary. Mr. Witcher made a motion close the hearing at approximately 7:55 pm. Seconded by Mr. McNiff. Roll Call Vote: WM=yes; MW= yes, JM= yes. The Vote: 3-0.

**- Ryan M. and Courtney C. Oremus (applicant/owners) seek a special permit under MGL Chpt. 40A §9 and/or Medfield Zoning Bylaw §300-9.1.C.2. & C.3 and the Table of Area Regulations referenced in §300-6.3 of the Zoning Bylaw, or a finding under MGL Chpt. 40A §6 that the proposed work consisting of the installation of an in-ground swimming pool to further exceed maximum lot coverage will not be substantially more detrimental to the neighborhood than the existing nonconforming nature. The property is located at 6 Walden Court; Assessors' Map 66 Lot 091; RT Zoning District subject to Open Space Residential Zoning and no Aquifer Overlay.**

Mr. McNiff read the notice into record.

Mr. Edward Cannon, attorney for the applicant, presented to the Board. Mr. Cannon said the owners are seeking a special permit for a pool installation. Mr. Cannon explained that the owners sought relief from this Board in 2018 for a pool installation however the property was different. Mr. Cannon said this special permit is simply for lot coverage and the now constructed retaining wall was not built on the property in 2018. Mr. Cannon said a recharge system would be added to the property if the relief is granted. Mr. Cannon shared photos and plans with the Board and audience. Mr. Cannon outlined the areas that the owners have addressed at the property that were concerns to abutters in 2018.

Chair McNicholas said the calculation show with a recharge the percentage would be 17.9%. Mr. Cannon said the property is at 25% and is confident it will be below 19% with a recharge system. Chair McNicholas said we has part of the Board in 2018 and remembers the concerns about the retaining wall and is happy to see how it turned out. Chair McNicholas asked if the owners had an opposition during the time of the retaining walls construction. Mr. Cannon said no; not that he is aware of. Mr. Witcher asked if there are other pools in the

neighborhood. Ms. Courtney Oremus, owner, said yes; there are several pools in the neighborhood. Mr. Whitcher asked if there will be any possible issues with the retaining wall with the addition of a pool. Ms. Oremus said the retaining was constructed by a structural engineer with the idea of a pool being added. Mr. McNiff likes the idea of a recharge system. Ms. Oremus said permeable pavers will be used for pool decking. Mr. McNiff asked if the existing fence is fully enclosed. Ms. Oremus said no; additional fencing will need to be installed. Mr. McNiff asked if there is a minimum distance between a home and a pool. Mr. McNiff is surprised by the 16.4 inches between the home and the pool. Mr. Cannon said he is not aware of a minimum distance. Chair McNicholas asked where the pool equipment will be located. Mr. Frank Marino, pool contractor, said a final spot has not been picked; possible by the house's stairs. Chair McNicholas asked if lighting will be added. Ms. Cannon said lighting would be added for safety if necessary but dark sky guidelines would be followed.

Ms. Catherine Briedis, 8 Walden Court, said she is the direct abutter. Ms. Briedis is in support of the application and is very pleased with all of the areas the owners have considered. .

Mr. James Barr, 8 Hawthorne, said he is the south facing abutter. Mr. Barr is concerned about the fencing that will be used. Mr. Barr said the pool is outside of his bedroom window and he would like some assurances for privacy. Mr. Barr said the construction of the retaining wall has change the topography of the land. Ms. Cannon said the privacy fence would be extended. Mr. Barr said the photos reviewed by the Board do not necessarily represent the retaining wall and feel the retaining wall plans should be certified. Ms. Jane Barr, 8 Hawthorne Drive, said the topography has changed considerably since the retaining wall was constructed and with all the rain this summer; the water run off now goes directly over the electrical box for all of Hawthorne Drive. Mrs. Barr asked the Board to review the plot plan for Hawthorne Drive and note that her lot is at the end of the street. Mrs. Barr is concerned that if the approval of this permit sets a precedence; she could potential be looking at 5 pools surrounding her lot and she feels this could devalue her property.

Mr. Dave Boxmeyer, 3 Alcott Way, said he is in support of this project. Mr. Boxmeyer said the retaining wall has done quite well and has visually improved the neighborhood. Mr. Boxmeyer is happy to see neighbors improving their properties.

Ms. Cari O'Keeffe, 5 Walden Court, echoed support for this project and noted the tremendous amount of money invested by the owners.

Mr. Ilya Cobi, 9 Walden Court, lives next door and is in favor of approval. Mr. Cobi doesn't see any issues and feel that a pool adds value due to the current state of the world.

Chair McNicholas scheduled a site visit for September 18, 2020 at 8:30 am. Mr. Whitcher made a motion close the hearing at approximately at 8:42 pm. Seconded by Mr. McNiff. Roll Call Vote: WM=yes; MW=yes, JM=yes. The Vote: 3-0.

## **Deliberations**

**6 Walden Court** – The Board hopes to deliberate after the site visit at the next scheduled meeting for September 21, 202 at 6:45 pm.

**101 Main Street** – Mr. Whitcher said the porch will not drastically change the property and feel it will improve it. Mr. McNiff thought the request for special permit was straightforward. Mr. Whitcher and Chair McNicholas

agreed. Mr. Whitcher made a motion for approve the special permit for 101 Main. Seconded by Mr. McNiff. Roll Call Vote: WM=yes; MW=yes; JM=yes. The Vote: 3-0. Mr. McNiff to draft decision.

**1 The Paddock Lane** - Mr. Whitcher doesn't feel the use will have a negative impact. Chair McNicholas agrees but said the square footage is needed to verify the 40% or the 500 square feet. Ms. Raposa said she will follow up with Mr. Chapple. Mr. McNiff was he is always a bit hesitant about any business going into a residential neighborhood but is sensitive as to why this is needed due to COVID-19. Mr. McNiff would be comfortable with approving. Ms. Raposa believes more home occupations will come before the Board due to COVID-19. Mr. Whitcher said he will draft the decision and work on the language needed. Mr. Whitcher made a motion for approve the special permit with conditions for 1 The Paddock at 9:00 pm. Seconded by Mr. McNiff. Roll Call Vote: WM=yes; MW=yes; JM=yes. The Vote: 3-0.

Mr. McNiff made a motion for adjournment at 9:10 pm. Seconded by Mr. Whitcher. Roll Call Vote: WM=yes; MW=yes; JM=yes. The Vote: 3-0.

**Respectfully Submitted,**

Marion Bonoldi, Recording Clerk